

NIXON PEABODY_{LLP}
ATTORNEYS AT LAW

437 Madison Avenue
New York, New York 10022-7001
(212) 940-3000
Fax: (212) 940-3111

Adam B. Gilbert
Direct Dial: (212) 940-3004
Direct Fax: (866) 780-0178
E-Mail: agilbert@nixonpeabody.com

November 4, 2011

BY ECF

Hon. Sandra J. Feuerstein
United States District Court
Eastern District of New York (Central Islip)
100 Federal Plaza
Central Islip, NY 11722

Re: *Zaeretsky v. Maxi-Aids, Inc.*; 2:10-cv-03771 – SJF – ETB

Dear Judge Feuerstein:

We represent the Felder defendants.

Plaintiff Feige Zaretsky is “severely learning disabled with a literacy level approximately of a fourth grade elementary school student” (Am. Compl., ¶3). Her co-plaintiff and father also appears to have material literacy issues, and in all events alleges no direct injuries. These people never had any business bringing RICO claims alleging criminal misconduct against numerous persons on a *pro se* basis in this Court. They were clearly incapable of understanding what they are doing or of obeying the Court’s orders.

Indeed, the document which they filed on October 28, 2011 – presumably “objections” to Magistrate Judge Boyle’s decision and order – is untimely. It was required to be filed on or before October 27 – and not at some point thereafter.

Magistrate Judge Boyle was exceedingly patient with these plaintiffs. His decision is well-reasoned, and nothing presented by Plaintiffs warrants any change in the outcome that he ordered. Plaintiffs retain whatever rights they have to use common law remedies. By their conduct in this case, they have been appropriately divested of any right to assert claims under RICO.

Respectfully yours,



Adam B. Gilbert

To: All counsel and parties (via ECF)